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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9, 11-19 and 26-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11-19 and 26-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-9, 11-19, and 26-33 were presented for examination. Applicant filed an amendment on August 3, 2009. Claim 10 was canceled. Claims 20-25 were withdrawn. Claims 1, 27, 29 and 31-33 were amended. The examiner establishes new grounds of rejection for claims 1, 27, 29, and 31-33. Since the new grounds of rejection were necessitated by applicant's amendment of the claim(s), the rejection of claims 1-9, 11-19, and 26-33 is a final rejection of the claim(s).

Response to Arguments

2.   Applicant's arguments filed August 3, 2009 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 1-26 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-26, as best understood, it appears that the claimed method steps could simply be performed by mental process alone and are not statutory. Based on Supreme Court precedent, a proper process must be tied to a machine or transform underlying subject matter to a different state or thing (*Diamond v. Diehr,* 450 U.S. 175, 184 (1981); *Parker* v. *Flook,* 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson,* 409 U.S. *63,* 70 (1972); *Cochrane* v. *Deener,* 94 U.S. 780,787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the machine to which it is tied, for example by identifying the machine that accomplished the method steps or positively reciting the subject matter that is being

transformed, for example by identifying the material that is being changed to a different state. Claims 1-26 directed towards steps of determining and obtaining. Since the claims are directed to a process without including a machine (i.e. machine, manufacture, or composition of matter), these claims fall within the scope of human intelligence alone, and are non-statutory.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 1-3, 26, 27, 29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Atlas ATM website, as retrieved from the Internet Wayback Machine from April, 21, 2001, hereinafter Atlas, in view of Chen et al (US 6,195,694), hereinafter Chen '694, and in view of Chen (US 2002/0032656 A1).

Claim 1:   In regard to the following limitation:

- determining, when a credit card is used as payment by a customer for a transaction through the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM;

- (a)-obtaining, when it is determined that the financial institution that issued the credit card used is identical to the service provider that installed the ATM, electronic history information of the ATM, the electronic history information of the ATM consisting of beneficial browsing that provides benefits to the financial institution as the service provider on the Internet as a result of browsing of the web contents; (b)-determining the ATM placement fee, which is to be paid to the fee recipient entity in a computer-implemented way based on said obtained electronic history information.

Atlas discloses determining an ATM placement fee which is to be paid to the fee recipient entity, based on electronic history information obtained from said ATM. Atlas discloses sending a commission check wherein the commission is a function of the number of transactions being performed on said ATM. The amount of the commission check is therefore inherently based on electronic transaction history obtained from the ATM, and therefore the electronic transaction history information is inherently obtained from the ATM in order to calculate said commission. Atlas further discloses that the ATM is installed in a nonbank location, and is under a payment-by-results contract. Atlas fails to teach the electronic history information consisting of a browsing history containing browsing web contents that provide benefits to the service provider on the internet as the ATM has been used by an individual customer. However, Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-

44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column 6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 2: Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 1. In regard to the following limitation:

- (Previously Presented) An automated transaction machine (ATM) placement fee determination method according to claim 1, wherein said electronic history information includes a transaction history about one or more transactions that have been performed on the ATM.

Atlas discloses the electronic transaction history information is a transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Claim 3:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Atlas discloses the electronic transaction history information is a transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Claim 26:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 1. In regard to the following limitation:

- 26. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 1, wherein said ATM is an automated financial transaction machine (AFTM).

Atlas discloses an automated teller machine (ATM), which is an automated financial transaction machine.

Claim 27:   In regard to the following limitation:

- (a-)-an automated transaction machine (ATM), installed in a nonbank location of a fee recipient entity under a payment-by-results contract with a service provider, for providing services to individual customers upon their request in a computer-implemented way;

- <u>an information management server determining, when a credit card is used
  as payment by a customer for a transaction through the ATM related to web
  contents, whether or not a financial institution that issued the credit card used
  is identical to a service provider that installed the ATM</u>; (Chen: pgh 5)

- (b)-a history information obtaining unit obtaining, <u>when it is determined that
  the financial institution that issued the credit card used is identical to the
  service provider that installed the ATM</u>, electronic history information of said
  ATM, said electronic history information <u>consisting of beneficial browsing that
  provides benefits to the financial institution as the service provider on the
  Internet as a result of browsing of the web contents</u>; and

- (c)-an ATM placement fee determination unit, operatively connected with
  said history information obtaining unit, fer-determining an ATM placement
  fee, which is to be paid to said fee recipient entity, in a computer-
  implemented way based on said electronic history information obtained in
  said history information obtaining unit

Atlas discloses determining an ATM placement fee which is to be paid to the fee
recipient entity, based on electronic history information obtained from said ATM.
Atlas discloses sending a commission check wherein the commission is a
function of the number of transactions being performed on said ATM. The
amount of the commission check is therefore inherently based on electronic
transaction history obtained from the ATM, and therefore the electronic
transaction history information is inherently obtained from the ATM in order to
calculate said commission. Atlas further discloses that the ATM is installed in a
nonbank location, and is under a payment-by-results contract. Atlas fails to
teach the electronic history information consisting of a browsing history
containing browsing web contents that provide benefits to the service provider on
the internet as the ATM has been used by an individual customer. However,

Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column 6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 29:   In regard to the following limitation:

- (a-)-an automated financial transaction machine (AFTM), installed in a nonbank location of a fee recipient entity under a payment-by-results contract

with a financial institution, for performing an electronic financial transaction upon a customer's request;

- an information management server determining, when a credit card is used as payment by a customer for a transaction through the AFTM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the AFTM; (Chen: pgh 5)

- (b)-a history information obtaining unit obtaining, when it is determined that the financial institution that issued the credit card used is identical to the service provider that installed the AFTM, electronic history information of said AFTM, said electronic history information consisting of beneficial browsing that provides benefits to the financial institution as the service provider on the Internet as a result of browsing of the web contents; and

- (c)-an AFTM placement fee determination unit, operatively connected with said history information obtaining unit, determining an AFTM placement fee, which is to be paid to said fee recipient entity, in a computer-implemented way based on said electronic history information obtained in said history information obtaining unit.

Atlas discloses determining an ATM placement fee which is to be paid to the fee recipient entity, based on electronic history information obtained from said ATM. Atlas discloses sending a commission check wherein the commission is a function of the number of transactions being performed on said ATM. The amount of the commission check is therefore inherently based on electronic transaction history obtained from the ATM, and therefore the electronic transaction history information is inherently obtained from the ATM in order to calculate said commission. Atlas further discloses that the ATM is installed in a nonbank location, and is under a payment-by-results contract. Atlas fails to teach the electronic history information consisting of a browsing history

containing browsing web contents that provide benefits to the service provider on the internet as the ATM has been used by an individual customer. However, Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column 6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 31:   In regard to the following limitation:

- (a-)-a history information obtaining unit obtaining, <u>when it is determined that a credit card used as payment by a customer for a transaction through the ATM related to web contents is issued by a financial institution that is identical to a service provider that installed the ATM</u>, electronic history information of said ATM, <u>the electronic history information consisting of beneficial browsing that provides benefits to the financial institution as the service provider on the Internet as a result of browsing of the web contents;</u> and

- (b)-an ATM placement fee determining unit, operatively connected with said history information obtaining unit, determining the ATM placement fee, which is to be paid to said fee recipient entity, in a computer-implemented way based on said electronic history information obtained by said history information obtaining unit.

Atlas discloses determining an ATM placement fee which is to be paid to the fee recipient entity, based on electronic history information obtained from said ATM. Atlas discloses sending a commission check wherein the commission is a function of the number of transactions being performed on said ATM. The amount of the commission check is therefore inherently based on electronic transaction history obtained from the ATM, and therefore the electronic transaction history information is inherently obtained from the ATM in order to calculate said commission. Atlas further discloses that the ATM is installed in a nonbank location, and is under a payment-by-results contract. Atlas fails to teach the electronic history information consisting of a browsing history containing browsing web contents that provide benefits to the service provider on the internet as the ATM has been used by an individual customer. However, Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-

44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column 6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 32:   In regard to the following limitation:

- (a-)-a history information obtaining unit obtaining, when it is determined that a credit card used as payment by a customer for a transaction throuqh the AFTM related to web contents is issued by a financial institution that is identical to a service provider that installed the AFTM, electronic history information of said AFTM, the electronic history information consisting of

<u>beneficial browsing that provides benefits to the financial institution as the</u>

<u>service provider on the Internet as a result of browsing of the web contents</u>;

and

- (b)-an AFTM placement fee determining unit, operatively connected with said history information obtaining unit, determining the AFTM placement fee, which is to be paid to said fee recipient entity, in a computer-implemented way based on said electronic history information obtained by said history information obtaining unit.

Atlas discloses determining an ATM placement fee which is to be paid to the fee recipient entity, based on electronic history information obtained from said ATM. Atlas discloses sending a commission check wherein the commission is a function of the number of transactions being performed on said ATM. The amount of the commission check is therefore inherently based on electronic transaction history obtained from the ATM, and therefore the electronic transaction history information is inherently obtained from the ATM in order to calculate said commission. Atlas further discloses that the ATM is installed in a nonbank location, and is under a payment-by-results contract. Atlas fails to teach the electronic history information consisting of a browsing history containing browsing web contents that provide benefits to the service provider on the internet as the ATM has been used by an individual customer. However, Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column

6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 33:   In regard to the following limitation:

- determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM; (Chen: pgh 5)

- (-a-)-obtaining, when it is determined that the financial institution that issued the credit card used is identical to the service provider that installed the ATM, electronic history information of the ATM, the electronic history information of the ATM consistinq of beneficial browsinq that provides benefits to the financial institution as the service provider on the Internet as a result of browsinq of the web contents; and

- (b)-determining the ATM placement fee, which is to be paid to the fee recipient entity, in a computer-implemented way based on said obtained electronic history information;

Atlas discloses determining an ATM placement fee which is to be paid to the fee recipient entity, based on electronic history information obtained from said ATM. Atlas discloses sending a commission check wherein the commission is a function of the number of transactions being performed on said ATM. The amount of the commission check is therefore inherently based on electronic transaction history obtained from the ATM, and therefore the electronic transaction history information is inherently obtained from the ATM in order to calculate said commission. Atlas further discloses that the ATM is installed in a nonbank location, and is under a payment-by-results contract. Atlas fails to teach the electronic history information consisting of a browsing history containing browsing web contents that provide benefits to the service provider on the internet as the ATM has been used by an individual customer. However, Chen (hereinafter Chen '694) discloses a server system for configuring kiosks, wherein an ATM is recognized as a type of kiosk (Chen '694: column 1 lines 41-44), wherein the kiosk is connected to the Internet (Chen '694: abstract), and wherein the operator of the kiosk receives payment from a service provider, such as a bank, when a user operates the kiosk to perform a web browsing function the benefits the service provider, and wherein the payment may be based on the time or duration that the information is provided by the kiosk (Chen '694: column 6 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas with the elements as taught by Chen '694 because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Atlas/Chen '694 does not

teach the limitation of determininq, when a credit card is used as payment by a customer for a transaction throuqh the ATM related to web contents, whether or not a financial institution that issued the credit card used is identical to a service provider that installed the ATM. However, Chen teaches levying a surcharge to a user of an ATM if the card used to perform the transaction was not issued by the service provider that installed the ATM (Chen: pgh 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements cited in Atlas/Chen '694 with the elements as taught by Chen because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

7.   Claims 4-9, 11-19, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atlas/Chen '694 and Chen, in view of Steinmetz et al., U.S. Patent No. 6,672,505.

Claim 4:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of the total sum of money that has been transacted on the ATM during the individual transactions.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total sum of money that had been transacted

on the ATM because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 5:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- 5. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of a combination of the number of transactions performed on the ATM and the total sum of money transacted on the ATM during the individual transactions.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total sum of money that had been transacted on the ATM because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 6:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- 6. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 7:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- 7. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of a combination of the number of transactions performed on the ATM and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the number of transactions performed on the ATM and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests

that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 8:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- 8. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of a combination of the total sum of money that have been transacted on the ATM during the individual transactions and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the total sum of money transacted on the ATM during the individual transactions and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 9:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 2. In regard to the following limitation:

- 9. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 2, wherein said transaction history is defined in terms of a combination of the number of transactions performed on the ATM, the total sum of money transacted on the ATM during the

individual transactions, and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the number of transactions performed on the ATM, the total sum of money transacted on the ATM during the individual transactions, and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 11:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 1. In regard to the following limitation:

- 11. (Previously Presented) An automated transaction machine (ATM) placement fee determination method according to claim 1, wherein said electronic history information contains a transaction history about one or more transactions performed on the ATM.

Atlas discloses the electronic transaction history information is a transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Claim 12:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 12. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Atlas discloses the electronic transaction history information is a transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM.

Claim 13:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 13. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of the total sum of money that has been transacted on the ATM during the individual transactions.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total sum of money that had been transacted on the ATM because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 14:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 14. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of a combination of the number of transactions performed on the ATM and the total sum of money transacted on the ATM during the individual transactions.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total sum of money that had been transacted on the ATM because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 15:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 1. In regard to the following limitation:

- 15. (Previously Presented) An automated transaction machine (ATM) placement fee determination method according to claim 1, wherein said electronic history information is defined in terms of the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in

order to define said transaction history in terms of the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 16:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 16. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 17:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 17. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of a combination of the number of transactions performed

on the ATM and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the number of transactions performed on the ATM and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 18:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 18. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of a combination of the total sum of money transacted on the ATM during the individual transactions and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the total sum

of money transacted on the ATM during the individual transactions and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 19:   Atlas/Chen '694/Chen/Steinmetz teaches the limitation(s) as shown in the rejection of claim 11. In regard to the following limitation:

- 19. (Original) An automated transaction machine (ATM) placement fee determination method according to claim 11, wherein said transaction history is defined in terms of a combination of the number of transactions performed on the ATM, the total sum of money transacted on the ATM during the individual transactions, and the total length of time during which the ATM has been kept in proper condition for service.

Atlas/Chen '694/Chen/Steinmetz does not explicitly teach the limitation above. However, Atlas teaches electronic transaction history information that is transaction history about the transactions performed on the ATM, wherein the transaction history is defined in terms of the number of transactions that have been performed on the ATM. It would have been obvious to one having ordinary skill in the art to modify the electronic transaction history described in Atlas in order to define said transaction history in terms of a combination of the number of transactions performed on the ATM, the total sum of money transacted on the ATM during the individual transactions, and the total length of time during which the ATM has been kept in proper condition for service because the prior art in Atlas suggests that one having ordinary skill in the art could have performed such a modification with a reasonable expectation of success and predictable results.

Claim 28:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 27. In regard to the following limitation:

- 28. (Original) A service providing system according to claim 27, further comprising an ATM management station, communicably connected with said ATM through a communications network, for managing said ATM installed in said fee recipient entity, said ATM management station serving as said history information obtaining unit and said ATM placement fee determination unit.

Atlas/Chen '694/Chen does not teach the limitation above. However, Steinmetz discloses an automated banking machine configuration system and method, wherein an ATM license authority communicates with an ATM through a communications network (Steinmetz: figure 1), and wherein the license authority collects data on ATMs and keeps track of the operation and use in order to properly assess licensing and support fees, wherein the data collected comprises functions performed, the time of operation, and the number of transactions conducted, and other data or combinations thereof (Steinmetz: column 15 lines 61 -column 16 line 20). While Steinmetz does not explicitly mention a total sum of money transacted, one of ordinary skill in the art can appreciate that it would be obvious to keep track of this number within an ATM, and that the total sum of money may be considered "other data" as taught by Steinmetz. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Atlas and Chen to include determining the commission fee based on said data because one who is looking for metrics on which to base such a commission would be motivated to look to the data which is commonly collected from an ATM remotely by a licensing authority, and would readily contemplate any combination of said data.

Claim 30:   Atlas/Chen '694/Chen teaches the limitation(s) as shown in the rejection of claim 29. In regard to the following limitation:

- 30. (Original) A financing system according to claim 29, further comprising an AFTM management station, communicably connected with said AFTM through a communications network, for managing said AFTM installed in said fee recipient entity, said AFTM management station serving as said history information obtaining unit and said AFTM placement fee determination unit.

Atlas/Chen '694/Chen does not teach the limitation above. However, Steinmetz discloses an automated banking machine configuration system and method, wherein an ATM license authority communicates with an ATM through a communications network (Steinmetz: figure 1), and wherein the license authority collects data on ATMs and keeps track of the operation and use in order to properly assess licensing and support fees, wherein the data collected comprises functions performed, the time of operation, and the number of transactions conducted, and other data or combinations thereof (Steinmetz: column 15 lines 61 -column 16 line 20). While Steinmetz does not explicitly mention a total sum of money transacted, one of ordinary skill in the art can appreciate that it would be obvious to keep track of this number within an ATM, and that the total sum of money may be considered "other data" as taught by Steinmetz. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Atlas and Chen to include determining the commission fee based on said data because one who is looking for metrics on which to base such a commission would be motivated to look to the data which is commonly collected from an ATM remotely by a licensing authority, and would readily contemplate any combination of said data.

Conclusion

8.	**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event of a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John Preston** whose telephone number is **571.270.3918.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ALEXANDER KALINOWSKI** can be reached at **571.272.6771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Alexandria, VA 22313-1450

or faxed to **571-273-8300**

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/Alexander Kalinowski/
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